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APPLICATION NO.	FILING DATE	FIRST NAME/INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,334	02/08/2001	Carsten Spöckholm	6092-200-US	9041

25-908 7890 04/14/2003

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EXAMINER

WEBER, JON P

ARTICLE PAPER NUMBER

1681

DATE MAILED: 04/14/2003

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Please find below and or attached an Office communication concerning this application or proceeding.

1651

Office Action Summary

Art Unit: 1651

Status of the Claims

The response with amendments filed 06 February 2003 has been received and entered. Claims 14-22 have been presented for examination.

Election/Restrictions

Newly submitted claims 17-22 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

It is argued that the restriction is improper because the burden under combination/subcombination has not been met and the claims are linking.

The Office action of 06 August 2002 clearly spelled out why the restriction was proper: The restriction was not a combination/subcombination as argued. The feed by virtue of being acted upon by the protease has been modified. The feed is then different both from its starting materials and the protease used to treat it. The restriction was made FINAL in the previous Office action.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17-22 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102 and 103

Art Unit: 1651

Claims 14-16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Outtrup et al. (US 5,597,720).

Claims 14-15 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Aunstrup et al. (US 3,674,643).

Claims 14-16 stand rejected under 35 U.S.C. 102(b) as anticipated by Ichishima et al. (US 4,480,037).

Claims 14-15 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Horikoshi et al. (US 4,052,262).

It is argued that these references simply disclose various proteases and do not disclose a feed additive or a composition comprising an acid stable protease and at least one of fat soluble vitamins, water soluble vitamins and trace minerals.

As pointed out in the Office action of 06 August 2002, these references do disclose compositions comprising acid stable protease and trace and macro minerals. The proteases are the same as those specifically listed in the instant disclosure and the minerals are the same as those specifically listed in the instant disclosure. The basis for asserting that these are not disclosed in the references is not understood. Outtrup et al. (US 5,597,720) and Ichishima et al. (US 4,480,037) describe the specific organism set forth in claim 16. The animal feed additive does not distinguish from a simple composition combining the ingredients.

Applicant's arguments filed 06 February 2002 have been fully considered but they are not persuasive. The rejections under 35 U.S.C. 102 are adhered to for the reasons of record and the

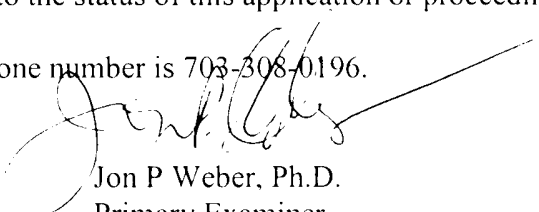
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No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon P Weber, Ph.D. whose telephone number is 703-308-4015. The examiner can normally be reached on daily, off 1st Fri, 9/5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Wityshyn can be reached on 703-308-4743. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.



Jon P Weber, Ph.D.
Primary Examiner
Art Unit 1651

JPW
April 7, 2003